

**HOME INSPECTOR ADVISORY COMMITTEE
1400 EAST WASHINGTON AVENUE, MADISON, WI
MINUTES
SEPTEMBER 13, 2000**

PRESENT: Jerome Baumgardt, Larry Engen, Mark Jankowski, Norbert Lovata, Richard Staff, Mark Thomas and Brian VandenHeuvel

EXCUSED: Rita McCain

STAFF PRESENT: Cletus Hansen, Jan Neitzel and Jacquelynn Rothstein; Duane Dorn (for a portion of the meeting).

GUESTS: Bill Neitzel, Inspector

CALL TO ORDER

The meeting was called to order at 9:36 a.m. by Clete Hansen, Administrator of the Division of Business Licensure and Regulation.

AGENDA

The agenda were informally approved.

MINUTES (April 5, 2000)

The minutes were informally approved.

ADMINISTRATIVE REPORT

Secretary Marlene Cummings

Secretary Cummings was not available.

Clete J. Hansen, Administrator

i. Roster

Clete Hansen welcomed a new Committee member, Brian VandenHeuvel.

Several changes and additions were made to the roster.

ii. Next Meeting Date

The Committee will meet December 13, 2000.

- Case Screening Panel

Clete Hansen explained the case screening process and stated that Paul Dehler and Tom Greenwaldt are the screeners for direct licensing cases. The screening panel meets the third Wednesday of each month.

Mr. Hansen referenced s. 440.978 (4)(d), Stats., stating that complaints against home inspectors remain in the "registry" for two years.

UPDATE ON EXAMINATIONS

The Committee received a copy of the examination application draft for November and December 2000 and a copy of the examination requirements.

The Committee received a copy of the May 24, 2000, letter from Dr. Barbara Showers relating to the home inspector examination. Noted.

The Committee received a copy of the brochure "Questions and Answers Relating to the Regulation of Home Inspectors." Noted.

Clete Hansen reported that until November 1, 2000, home inspector applicants for licensing have been able to register by taking the state statutes exam. If they were registered before January 1, 2000, they need to have 40 hours of continuing education to renew at the end of 2000. If they were registered on or after January 1, 2000, they need to have 20 hours of continuing education to be able to renew at the end of 2000. All home inspectors who were registered by taking the state statutes exam have to take and pass the rules and the national exam by the end of 2000. Starting November 1, 2000, registrants cannot become registered unless they have taken all 3 parts of the exam. Starting Jan 1, 2001, they have to take a two-part exam consisting of the national part and the rules and statute part.

Mr. Hansen stated that anyone who registers between November 1 through December 31, 2000, will get a license that expires on December 31, 2002. They will not have to take the continuing education by December 31, 2000. If they register in the last 2 months of this renewal year, they will have to take all 3 parts of the exam, but not the continuing education.

The Committee discussed Wisconsin's pass rate for the national exam

Duane Dorn, Examinations Office, explained the results of the National Home Inspector Examination.

REPORT TO THE LEGISLATURE

Nothing to report.

RELATIONSHIP BETWEEN REAL ESTATE AGENTS AND HOME INSPECTORS

The Committee received a copy of the first page of the August 2000 newsletter of the Wisconsin Association of Home Inspectors. Rick Staff expressed concern about the contents of an editorial written by the President of the Association.

Clete Hansen reported that representatives from WAHI attended a Real Estate Board meeting and expressed that the home inspectors would like to have a good working relationship with the real estate profession.

The Committee discussed the relationship between referral fees, marketing services, antitrust violations, and affinity programs.

MOTION: Rick Staff moved, seconded by Mark Thomas, to request that the Department check into the details of affinity programs to determine if they are in violation of s. 440.975(7)(e), Stats. Motion carried unanimously.

The Committee discussed home inspectors paying a referral fee to get inspections, which is a violation of the law.

The Committee discussed issues relating to home inspection reports requested and paid for by a prospective buyer and disclosing the same report to a subsequent prospective buyer. The Committee acknowledged that a seller and a broker are obligated to disclose any defects reported on an inspection report to a prospective buyer.

ISSUES RAISED BY COMMITTEE MEMBERS RELATING TO CHAPTER 440, SUBCHAPTER X, AND CHAPTERS RL 131-135, WISCONSIN ADMINISTRATIVE CODE

The Committee agreed to discuss the statutes and rules further at the December 13, 2000, meeting.

ADMINISTRATIVE RULE REVISIONS

The Committee received a copy of the scope statement for the proposed rule relating to changes in the home inspector required examinations and continuing education hours. Noted.

Clete Hansen reported that the revision to RL 131-135, Wis. Admin. Code, clarifies the definition of “hours,” which includes classroom and distance learning for continuing education. He also stated that the rule draft clarifies the exam requirements.

After January 1, 2001, home inspector applicants will need to take a two-part examination. One part will consist of the national examination and the second will consist of the rules and statutes.

CONTINUING EDUCATION

Clete Hansen explained that a home inspector may attend continuing education classes anywhere as long as the classes relate to home inspection. Mr. Hansen stated that to get credit for continuing education a signature is needed on the back of the renewal notice confirming that the continuing education was completed and that proof can be given that the continuing education was completed.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Engineers Acting As Home Inspectors

The Committee discussed s. 440.9715(1), Stats., which states that “a registration is not required for an individual who conducts a home inspection while lawfully practicing within the scope of a license, permit or certificate granted to that individual by a state governmental agency.”

The Committee also discussed s. 440.9712(1) Stats., which states, “Except as provided in s. 440.9715, no individual may act as a home inspector, use the title “home inspector,” use any title or description that implies that he or she is a home inspector or represent himself or herself to be a home inspector unless the individual is registered under this subchapter.

MOTION: Mark Thomas moved, seconded by Jerry Baumgardt, to request that the Department review and clarify it’s position on who can do home inspections and who need to be licensed as home inspectors. Motion carried unanimously.

New Standards of Practice in Texas

The Committee received a copy of the June 2000 TrecAdvisor. Noted.

Inspections for Insect Infestation

The Committee received a copy of the Wisconsin Department of Agriculture, Trade and Consumer Protection “licensing and certification requirements for pesticide applications in Wisconsin.”

Home inspectors need not be licensed for insect infestation inspection.

National Institute of Building Inspectors

The Committee discussed the request from John Hendricks, NIBI, to approve their training course for continuing education for home inspectors in Wisconsin. The Committee agreed that any course providing training for home inspections would be approved at this time.

COMPLAINTS AGAINST HOME INSPECTORS

Nothing to report.

ADJOURNMENT

The Committee would like to discuss organizing a continuing education review committee at the next meeting.

By consensus, the Committee adjourned at 12:14 p.m.